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REMARKS

Claims 1-36 are pending. Claims 34-36 have been added. The support for these amendments is found on page 5 of Applicant's specification and/ or in the original claims. It is respectfully submitted that no new matter has been added.

The Patent Office rejected claims 1, 16, 17, 19, 20, 32, and 33 under 35 U.S.C. 102(e) as being anticipated by Hansen, U.S. Patent No. 6,772,204.

A claim is anticipated by a reference if that reference discloses each and every limitation of that claim (MPEP 2131) that is not inherent.

Claim 1 recites "A method of updating a system configuration comprising presenting a plurality of selections **for updating a system configuration from predetermined modes**; receiving a selected mode; and executing the selected mode."

Claim 16 recites "A system comprising a network interface; a computer system, communicatively coupled to the network interface; and a configuration control interface, communicatively coupled to the computer system, for presenting a plurality of selections from **predetermined modes for updating a system configuration** of a configurable system."

Claim 19 recites "A system comprising a configurable storage system; a network interface, communicatively coupled to the configurable storage system; a computer system, communicatively coupled to the network interface; and a configuration control interface, communicatively coupled to the computer system, for presenting a plurality of selections from **predetermined modes for updating a system configuration** of the configurable storage system."

Claim 20 recites "A computer readable medium comprising instructions for presenting a plurality of selections for **updating a system configuration from predetermined modes**; receiving a selected mode; and executing the selected mode."

Claim 32 recites "A system comprising means for presenting a plurality of selections from **predetermined modes for updating a system configuration** of a configurable system; means for receiving a selected mode; and means for executing the selected mode to configure the configurable system."

Claim 34 recites "A method of updating a system configuration for a system comprising presenting a plurality of selections for **updating a system configuration from predetermined**

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modes; receiving a selected mode; and executing the selected mode, wherein the predetermined modes comprise an immediate mode in which all configuration changes are immediately activated, a scheduled queued mode in which all configuration changes are queued until later and scheduled activation, a queued mode in which all configuration changes are queued until later manual activation, and an optimized activation mode in which the system determines the best method of updating the system configuration.”

Claim 35 recites “A method of updating a system configuration comprising presenting a plurality of selections for **updating a system configuration from predetermined configuration activation modes**; receiving a selected configuration activation mode; and executing the selected configuration activation mode, **wherein the predetermined configuration activation modes relate to when system configuration activation occurs, at least one of the predetermined configuration activation modes being a manual configuration activation mode and at least one of the remaining predetermined configuration activation modes being an automatic configuration activation mode.”**

Claim 36 recites “A system comprising means for presenting a plurality of selections from **predetermined configuration activation modes** to allow for **updating, at different times, a system configuration** of a configurable system; means for receiving a selected configuration activation mode; and means for executing the selected configuration activation mode to configure the configurable system.”

The Patent Office asserted (page 2, bottom, of the Office Action mailed July 26, 2005) “Hansen discloses a method of updating a system configuration comprising: presenting (displaying) a plurality of selections (e.g., pull-down menus or pull-down menu bar) for updating a system configuration from predetermined mode (e.g., “file”, “edit”, “network”, “window”, “help”); receiving (selecting) a selected mode (e.g., “file”, “edit”, “network”, “window”, “help”); and executing the selected mode (e.g., if “file” mode is selected, available file commands are displayed, i.e., “new”, “open”, “save”, “save as”, “print”, “print setup”, and “exit”; col. 9, line 61 – col. 11: line 17).”

Hansen appears to be concerned with providing a network device configuration tool (col. 6, lines 26-31). By using the network configuration tool, the network administrator can design a suitable configuration network and then configure any number of remotely located devices

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included in the network (col. 6, lines 37-41). In fact, Hansen seems to be directed to using a system to provide configuration files for each device in the system (Hansen's summary of the invention) and does not seem to be concerned at all with updating a configuration of a system. Hansen even discloses "This application generally relates to computer networks and internetworks and, more particularly, to a software tool which configures devices to be included in a computer network or internetwork" (Hansen's field of the invention). Hansen does not disclose modes in columns 9-11, but does disclose commands under the edit menu (col. 10, lines 14-30). Commands – such as "new" and "open" – are not modes. Hansen appears closest to disclosing a mode in disclosing that a network administrator may select one of two options to configure a device requesting configuration: treating the requesting device as a new device or as an existing device (col. 17, line 49, through col. 18, line 7). These two options refer to a device, and not a system, level configuration. Thus, claims 1, 16, 17, 19, 20, 32, and 33 are not anticipated by Hansen. Furthermore, new claims 34-36 are not anticipated by Hansen.

The Patent Office rejected claims 2-5, 18, and 21-23 under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, U.S. Published Patent Application No. 2002/0198975, and further in view of Chen, U.S. Patent No. 5,819,030.

Claim 2 recites "The method of claim 1, wherein the predetermined modes comprise **an immediate mode, a scheduled queued mode, a queued mode, and an optimized activation mode.**"

Claim 18 recites "The system of claim 16, wherein the predetermined modes comprise **an immediate mode, a scheduled queued mode, a queued mode, and an optimized activation mode**, for updating a system configuration of the configurable system."

Claim 21 recites "The computer readable medium of claim 20, wherein the predetermined modes comprise **an immediate mode, a scheduled queued mode, a queued mode, and an optimized activation mode.**"

The Patent Office asserted (page 3, bottom, through page 4, top, of the Office Action mailed July 27, 2005) "Regarding claims 2, 18, and 21, Hansen discloses a method of updating a system configuration comprising substantially all the claimed limitations, except the predetermined modes also comprising a schedule queued mode, a queued mode, and an optimized mode. As shown in Figure 2, Bogia teaches the predetermined modes comprise an

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immediate mode, a scheduled queued mode, and a queued mode (para 0015). Hansen and Bogia disclose analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Bogia's method in Hansen's system, motivated by the need to be capable to change system's configuration remotely. However, the combination of Hansen and Bogia does not call for the predetermined mode including an optimized activation mode. As shown in Figures 1-5, Chen discloses an optimized activation mode (abstract). The combination of Hansen and Bogia, and Chen teach analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Chen's method in the combination of Hansen and Bogia's system, motivated by the desire to derive to the most optimized system."

Hansen discloses commands, not modes, available under the edit menu. The closest Hansen appears to come to disclosing modes is in allowing a network administrator to treat an unrecognized device as a new device or as an existing device, but appears to be unconcerned with updating a system configuration. Bogia does not appear to disclose modes either. Bogia discloses (paragraph 0015) distinct embodiments: in one embodiment, the configuration is updated substantially immediately; in another embodiment, the configuration is updated at a time when the appliance is idle; and in yet another embodiment, the configuration is updated at a predetermined time. The embodiments of Bogia appear to be mutually exclusive and so one of ordinary skill in the art would not consider these embodiments to collectively be modes. Any combination of Hansen and Bogia would not make obvious a plurality of configuration activation modes. Chen relates to a system and method for configuring a server computer in which an optimizer program is used; there seems to be no disclosure of modes in Chen. Thus, claims 2-5, 18, and 21-23 are not made obvious by any of Hansen, Bogia, or Chen, alone or in combination. Claims 1, 16, 17, 19, 20, 32, and 33, similarly, are not made obvious by any of Hansen, Bogia, or Chen, alone or in combination.

The Patent Office rejected claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, further in view of Chen, and further in view of Jones, U.S. Patent No. 5,771,381.

Claim 6 recites "The method of claim 4, wherein the predetermined time is relative to a

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triggering event.”

Claim 7 recites “The method of claim 6, wherein the triggering event is the user logging off.”

The Patent Office asserted (page 5, bottom, of the Office Action mailed July 26, 2005) “The combination of Hansen, Bogia, and Chen discloses substantially all the claimed limitations, except the predetermined time is relative to a triggering event. As shown in Figures 1-7, Jones teaches predetermined time is relative to a triggering event, i.e., as the user logging off (col. 14, lines 43-61). The combination of Hansen, Bogia, and Chen, and Jones, teach analogous arts, relating to system and method of updating a system configuration; thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jones’ technique of controlling the actions of a network target, motivated by the need to coordinate configuration changes.”

Hansen does not seem to disclose modes for updating a system. Hansen (col. 9, line 61, through col. 11, line 40) discloses commands. Hansen (col. 17, line 49, through col. 18, line 7) also discloses a network administrator has one of two options in determining if a device requesting configuration is a new device or an existing device. Bogia does not seem to disclose modes. Instead Bogia discloses (paragraph 0015) individual embodiments in which each embodiment may update an appliance configuration according to a fixed schedule. Once the appliance configuration embodiment is selected, a user is never presented with a choice between configuration updating options. Thus, Bogia does not disclose modes. Chen is concerned with optimizing a server computer through an optimizing program and allows a user to update several files at once or individually assign files to drives (Fig. 5A), but does not seem to disclose configuration activation modes that are executable at different times. Jones discloses a method and system for adding configuration files for a user and that the user profile files contain configuration information that identifies the location of application configuration files for the user (col. 5, lines 26-32). In Jones, when a user logs off a computer system, the adding configuration files routine performs profile reconciliation for updating application configuration files (col. 14, lines 46-54). The cited references provide no motivation for combining pieces of Bogia, Chen, and Jones with Hansen to arrive at the claimed invention. It is as though the Patent Office has used Applicant’s own disclosure as a template to try to recreate Applicant’s claimed

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invention using impermissible hindsight reconstruction. Thus, claims 6 and 7 are allowable over the prior art of record.

The Patent Office rejected claims 8, 9, 24, and 25 under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, and further in view of Jones.

Claim 8 recites “The method of claim 2, wherein the queued mode comprises receiving configuration change requests from a user; queuing the configuration change requests; and activating the configuration change requests upon receiving a triggering event.”

Claim 24 recites “The computer readable medium of claim 21, wherein the queued mode comprises instructions for receiving configuration change requests from a user; queuing all the change requests; and activating the change requests upon receiving a triggering event.”

The Patent Office asserted (page 6, top, of the Office Action mailed July 26, 2005) “The combination of Hansen and Bogia discloses substantially all the claimed limitations, i.e., receiving configuration change requests from a user; and queuing the configuration change requests upon receiving a triggering event comprising at least one of the user manually activating the change requests and the user enabling an immediate mode (Hansen: col 11: lines 18-23; and Bogia: para 0015). However, the combination of Hansen and Bogia does not call for activating the configuration change request upon the user logging off. As shown in Figures 1-7, Jones teaches predetermined time is relative to a triggering event, i.e., as the user logging off (col. 14: lines 43-61). The combination of Hansen and Bogia, and Jones teach analogous arts, relating to system and method of updating a system configuration; thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jones’ technique of controlling the actions of a network target, motivated by the need to coordinate configuration changes.”

As discussed above, Hansen seems to disclose only commands and provides an option to a network administrator to treat that device as a new device or as an existing device. Hansen does not disclose configuration updating modes. Bogia does not remedy the deficiencies of Hansen. Bogia discloses embodiments in which an embodiment is assigned a singular time for updating, but does not disclose multiple configuration activation modes within an embodiment. Jones discloses a method and system for adding configuration files for a user and that the user profile files contain configuration information that identifies the location of application

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configuration files for the user (col. 5, lines 26-32). In Jones, when a user logs off a computer system, the adding configuration files routine performs profile reconciliation for updating application configuration files (col. 14, lines 46-54). Jones also seems not to disclose a multiple configuration activation modes. Thus, claims 8, 9, 24, and 25 are allowable over the prior art of record.

The Patent Office rejected claims 10 and 26 under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, further in view of Chen, and further in view of Gold et al., U.S. Patent No. 6,701,450.

Claim 10 recites “The method of claim 2, wherein the optimized activation mode comprises receiving a configuration change request from a user; determining if a system is in a disaster recovery mode; and activating the change request if the system is in a disaster recovery mode.”

Claim 26 recites “The computer readable medium of claim 21, wherein the optimization activation mode comprises instruction for receiving a configuration change request from a user; determining if a system is in a disaster recovery mode; and activating the change request if the system is in a disaster recovery mode.”

The Patent Office asserted (page 7, top, of the Office Action mailed July 27, 2005) “The combination of Hansen, Bogia, and Chen discloses substantially all the claimed limitations, i.e., receiving a configuration change request from a user; determining the optimized mode; and activating the change request (Hansen: col. 11: lines 18-23; Bogia: para 0015; and Chen: abstract). However, the combination of Hansen, Bogia and Chen does not call for determining if a system is in a disaster recovery mode, and activating the change request if the system is in a disaster recover mode. As shown in Figures 1-5, Gold teaches determining whether a system is in disaster recovery mode and activate proper response to restore the computer system (abstract). The combination of Hansen, Bogia, and Chen and Gold teach analogous arts, relating to updating system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Gold’s method of recovery in the combination of Hansen, Bogia, and Chen’s system, motivated by the need to coordinate configuration changes in order to avoid prolonged system outages and substantial data loss.”

Hansen appears to be concerned with providing a network device configuration tool (col.

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6, lines 26-31). By using the network configuration tool, the network administrator can design a suitable configuration network and then configure any number of remotely located devices included in the network (col. 6, lines 37-41). In fact, Hansen seems to be directed to using a system to provide configuration files for each device in the system (summary of the invention) and does not seem to be concerned at all with updating a configuration of a system. Bogia does disclose different times for updating but only a single time for updating in any particular embodiment. Chen discloses an optimizer program for a server computer of a particular server type (Fig. 5A), but does not disclose a multiple predetermined modes. Gold discloses a tape drive that operates in Normal Mode or Data Recovery Mode as determined by user selection (col. 9, lines 20-22). Here again, there are no system configuration updating modes as disclosed by Gold; either a user selects Data Recovery Mode to restore a system configuration or the user elects not to restore (i.e., Normal Mode).

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1, 16, 17, 19, 20, 32, and 33 under 35 U.S.C. 102(e) based on Hansen, and claims 2-15, 18, and 21-31 under 35 U.S.C. 103(a) based on Hansen, in combination with Bogia, Chen, Jones, and/or Gold, and to allow all of the pending claims 1-36 as now presented for examination. An early notification of the allowability of claims 1-36 is earnestly solicited.

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